

1 BILL NO. G-83-03-12

2 GENERAL ORDINANCE NO. G-06-83

3 AN ORDINANCE accepting Minimum
4 Housing responsibilities within
the City of Fort Wayne, Indiana.

5 WHEREAS, the City and the County have, in the past,
6 jointly participated in the City-County Building and Minimum
7 Housing Department of Allen County, Indiana, pursuant to I.C.
8 17-2-72.3;

9 WHEREAS, pursuant to said statute, the City-County
10 Building and Minimum Housing Department has administered and en-
11 forced the Minimum Housing Code and the Unsafe Building Ordi-
12 nance of the City;

13 WHEREAS, I.C. 36-1-3.5-6 transfers jurisdiction of the
14 City-County Building and Minimum Housing Department to the Board
15 of Commissioners of the County;

16 WHEREAS, the Board of Commissioners of the County has
17 expressed its desire to decline to exercise jurisdiction of Mini-
18 mum Housing administration and enforcement, including the en-
19 forcement of the Minimum Housing Code and the Unsafe Building
20 Ordinance of the City;

21 WHEREAS, unless the City exercises Minimum Housing re-
22 sponsibilities, there will be no Minimum Housing administration
23 and enforcement nor would there be any enforcement of the City's
24 Minimum Housing Code and Unsafe Building Ordinance;

25 WHEREAS, it is in the interest of the citizens of this
26 community to ensure the continued and uninterrupted enforcement
27 of the City's Minimum Housing Code and Unsafe Building Ordinance.

28 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
29 THE CITY OF FORT WAYNE, INDIANA:

30 SECTION 1. Approval is hereby given to the City of
31 Fort Wayne, Indiana, to assume jurisdiction and responsibility
32 of Minimum Housing enforcement and administration, including the

1 Page Two

2
3 enforcement of the City's Minimum Housing Code and Unsafe Build-
4 ing Ordinance.

5 SECTION 2. That the annexed proposed Agreement, made
6 a part hereof, between the City and Allen County, allowing for
7 the shifting of Minimum Housing responsibilities from the County
8 to the City, is hereby approved, affirmed and ratified in all
9 respects. The Mayor is hereby empowered to execute said Agree-
10 ment on behalf of the City and two (2) copies of such Agreement
11 are on file in the City Clerk's Office and available for public
12 inspection.

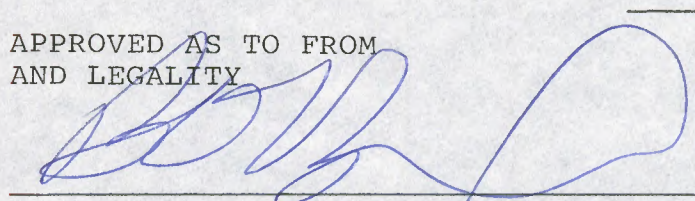
13 SECTION 3. This Ordinance is adopted pursuant to I.C.
14 36-1-3 et seq. allowing the City necessary powers to govern itself
15 and provide services for its citizens.

16 SECTION 4. Authority is hereby given pursuant to I.C.
17 36-4-9-4 to establish a Minimum Housing Department within the City,
18 as determined appropriate by the Mayor. Furthermore, authority is
19 hereby given to transfer Minimum Housing responsibilities to the
20 Housing Authority of the City of Fort Wayne, Indiana, if deemed
21 appropriate by the Mayor.

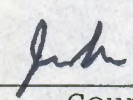
22 SECTION 5. The City contemplates utilizing specific
23 rules, regulations, and procedures with respect to Minimum Housing
24 administration and enforcement and in that regard the Administra-
25 tion will, at a later date, present to this Council an Ordinance
26 outlining such rules, regulations, and procedures governing Mini-
27 mum Housing administration and enforcement.

28 SECTION 6. That this Ordinance shall be in full force
29 and effect from and after its passage and any and all necessary
30 approval by the Mayor.

31
32 APPROVED AS TO FORM
AND LEGALITY



Bruce O. Boxberger, City Attorney



Councilmember

AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 1983, by and between the CITY OF FORT WAYNE, INDIANA, hereinafter referred to as the "City", and ALLEN COUNTY, INDIANA, by and through its Board of Commissioners, hereinafter referred to as the "County",

WITNESSETH:

WHEREAS, the City and the County have jointly participated in the City-County Building and Minimum Housing Department of Allen County, Indiana, pursuant to I.C. 17-2-72.3; and

WHEREAS, pursuant to said statute, the City-County Building and Minimum Housing Department has administered and enforced the Minimum Housing Code and the Unsafe Building Ordinance of the City; and

WHEREAS, I.C. 36-1-3.5-6 transfers jurisdiction of the City-County Building and Minimum Housing Department to the Board of Commissioners of the County; and

WHEREAS, the Board of Commissioners of the County has expressed its desire to decline to exercise jurisdiction of the Minimum Housing administration and enforcement, including the enforcement of the Minimum Housing Code and the Unsafe Building Ordinance of the City; and

WHEREAS, the parties agree that all jurisdiction with respect to the Minimum Housing administration and enforcement

should be vested in the City.

NOW, THEREFORE, it is agreed as follows:

1. TRANSFER OF JURISDICTION. The parties hereto agree that all jurisdiction with respect to Minimum Housing administration and enforcement, including the administration and enforcement of the Minimum Housing Code and the Unsafe Building Ordinance of the City, is to be transferred to the City. Such transfer of jurisdiction shall take place on Saturday, April 2, 1983, at 12:01 a.m. o'clock. In that regard, the parties hereto agree to take all necessary action to complete the transfer of jurisdiction as herein agreed upon, including, but not limited to, the adoption of any and all necessary ordinances and/or resolutions.

2. CONVEYANCE OF PROPERTY. In consideration for the acceptance by the City of the jurisdictional responsibilities hereunder and to help assist in the uninterrupted of administration and enforcement, the County hereby agrees to convey to the City the following designated property:

A. All of the equipment, office furniture, and supplies presently being used by the Minimum Housing Department. Said property is more specifically described in the attached Exhibit "A", made a part hereof.

B. All necessary records of Minimum Housing.

C. A transfer of all liens on all property as acquired, in the past, in the operation of the Minimum Housing Department.

D. The sum of Ten Thousand Dollars (\$10,000.00)

from the Demolition Fund.

E. All of the vehicles of Minimum Housing, more specifically described in the attached Exhibit "B", made a part hereof.

F. All surplus parcels of real estate located within the corporate limits of the City of Fort Wayne, Indiana, as acquired through the operations of Minimum Housing, said real estate more specifically described in the attached Exhibit "C", made a part hereof.

All of such property herein to be conveyed shall be so conveyed free and clear of all liens and encumbrances and claims of title and in fee simple. Furthermore, all such property shall be conveyed by the County to the City on or before April 2, 1983. The City, at its option, may reject any such property herein referred to. The parties agree to execute any additional documentation necessary to accomplish the transfers as herein referred to.

3. ADDITIONAL TRANSFER OF REAL ESTATE. As additional consideration to enter into this transaction, the County does hereby agree to transfer to the City, in fee simple, and free from all liens and encumbrances, that real estate located within Allen County, Indiana, and as described in the attached Exhibit "D", made a part hereof. Such transfer is to occur on or before April 2, 1983.

4. OFFICE SPACE. The County does hereby agree to lease to the City the current offices being used by Minimum

Housing in the County's Building and Highway Department Building located at Calhoun and Superior Streets, Fort Wayne, Indiana. Such lease shall be for a period of three (3) years from date hereof at a rental equal to the office space's proportionate share of janitorial and maintenance expenses; provided, however, that such rental shall not exceed Three and 50/100 Dollars (\$3.50) per square foot annually.

5. LIABILITIES. The City shall not accept and does not hereunder accept any debts, liabilities, claims, or contentions with respect to the operations of Minimum Housing, whether contingent or otherwise, known or unknown, asserted or unasserted, for any situation or fact that occurred prior to April 2, 1983. In that regard, the County does hereby agree to indemnify and hold harmless the City with respect to all such debts, lawsuits, liabilities, claims, and contentions, of any kind or character, regardless of when asserted, that arose because of any action or omission prior to April 2, 1983. All such debts, lawsuits, liabilities, claims, and contentions that come about because of action or omission after April 1, 1983, shall be the responsibility of the City.

6. PERSONNEL. The City shall not have any responsibility whatsoever with respect to the existing personnel of Minimum Housing, and all of such personnel are to be terminated by the County prior to April 2, 1983. In that regard, the County does hereby agree to indemnify and hold harmless the City against any action taken by any employee or contractor of Minimum Housing, who were employees

or contractors prior to April 2, 1983.

7. TRANSITIONAL MEETINGS. The parties hereto agree that they shall, collectively, make the appropriate representatives available to discuss and review the operations of Minimum Housing so that services are uninterrupted when the transition is completed as of April 2, 1983.

8. ASSIGNMENT. It is agreed that the City may assign its responsibilities hereunder, including the administration and enforcement of Minimum Housing, to any of its boards or authorities or commissions, at any time, including, but not limited to, the Housing Authority of the City of Fort Wayne, Indiana.

9. MISCELLANEOUS. If the City, or its assignee, is to engage in the enforcement and administration of Minimum Housing outside the corporate limits of the City of Fort Wayne, Indiana, then such services shall be so provided after the parties hereto agree upon a fee structure for such administration and enforcement.

10. GOVERNING LAW. This Agreement shall be construed in accordance with the laws of the State of Indiana and shall be subject to the passage of any and all necessary legislative action by the respective legislative bodies of the parties hereto.

IN WITNESS WHEREOF, this Agreement has been signed the day, month, and year first above written.

CITY OF FORT WAYNE, INDIANA:

BY:

Winfield C. Moses, Jr.
as its Mayor

ALLEN COUNTY, INDIANA, by and
through its Board of Commissioners:

BY: _____
Jack R. Worthman,
Commissioner

BY: _____
Richard M. Ellenwood,
Commissioner

BY: _____
Richard M. Regedanz,
Commissioner

Read the first time in full and on motion by Stier,
seconded by GiaQuinta, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 2-8-83

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by Stier,
seconded by GiaQuinta, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	_____	<u>1</u>	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHOMBURG</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCRUGGS</u>	_____	_____	<u>✓</u>	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 2-22-83

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)
(APPROPRIATION) ORDINANCE (RESOLUTION) NO. 19-06-83
on the 22nd day of March, 1983.

ATTEST:

(SEAL)

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Ray A. Ebert
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 23rd day of March, 1983, at the hour of
4:00 o'clock PM, E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 23rd day of March
1983, at the hour of 4 o'clock P M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR. - MAYOR

BILL NO. G-83-03-12

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE accepting Minimum Housing responsibilities within
the City of Fort Wayne, Indiana

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JAMES S. STIER, CHAIRMAN

JANET G. BRADBURY, VICE CHAIRMAN

VICTURE L. SCRUGGS

MARK E. GiaQUINTA

ROY J. SCHOMBURG

3-22-83 CONCURRED IN
DATE CHARLES W. WESTERMAN, CITY CLERK

J. Stier
Janet G. Bradbury
Mark E. GiaQuinta
R. J. Schomburg

Admn. Appr. _____

DIGEST SHEET

G 83-03-12

TITLE OF ORDINANCE General OrdinanceDEPARTMENT REQUESTING ORDINANCE Law Department

SYNOPSIS OF ORDINANCE An Ordinance accepting Minimum Housing responsi-
bilities from Allen County to the City of Fort Wayne, Indiana.

EFFECT OF PASSAGE Continuation of Minimum Housing Administration and
Enforcement and enforcement of the City Minimum Housing Code and
Unsafe Building Ordinance.

EFFECT OF NON-PASSAGE There would not be any Minimum Housing Administra-
tion and Enforcement nor would there be any enforcement of the City
Minimum Housing Code and Unsafe Building Ordinance.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____